

## **ARTICLE III. ANNUAL BUDGET PROCESS/FINANCIAL TOWN REFERENDUM**

### **Section 301. Budget Adoption Process.**

(a) Definitions. For purposes of the Article, the following terms shall have the following meanings:

- (1) "Budget" includes all appropriations for operations, capital, and debt services and excludes all revenues sources or estimates thereof.
- (2) "Day or Days" shall refer to calendar days unless otherwise noted, provided that if day or deadlines falls on a weekend or legal holiday, the date shall be extended to the next regular weekday unless specifically noted otherwise.
- (3) "Non-Property Tax Revenue" means funds allocated from the Unreserved General Fund, subject to the requirements of section 310, and revenue received by the town from sources other than those generated from the real and tangible property tax levy and motor vehicle tax as set by the State of Rhode Island.
- (4) "Unified Budget" shall include the appropriations of all municipal administrative services and debt service, the school committee budget, and the budgets of the town clerk and town treasurer.

(b) The following schedule shall be used in the preparation, review and submission of the "Unified Budget"

- 1.) Initial Joint Budget Workshop: The budget committee, town council, and school committee shall participate in an initial joint budget workshop which shall be held no later than January 15 of each calendar year. The joint budget workshop shall be chaired by the president of the town council, or in the absence of that person, the vice-president of the town council.
- 2.) Town Clerk and Town Treasurer: The town clerk and town treasurer shall prepare and submit their proposed budget requests to the Town Administrator on or before March 19th.
- 3.) School Committee: The school committee shall prepare and submit a proposed school department expenditure budget, along with any state educational general revenue estimates to be received from the State of Rhode Island, to the town administrator on or before March 19th.
- 4.) Town Administrator: The town administrator shall prepare and submit a proposed Unified Budget to the budget committee and the town council on or before March 26th which shall include the submissions as received from the school committee, town clerk, and town treasurer.
- 5.) Town Administrator: The town administrator, after consultation with the town treasurer, shall submit to the town council and budget committee the necessary and final "Non-Property Tax Revenue" estimates to be used by the town council and budget committee no later than April 15th.
- 6.) Budget Committee: The budget committee shall prepare and submit to the town council their proposed Unified Budget and any proposed language necessary to implement the budget on or before April 25th
- 7.) Town Council: The town council shall adopt a preliminary unified budget ordinance on or before May 13th and schedule a public hearing in accordance with subsection 301(b)(9) of Article III.
- 8.) Town Clerk: Notwithstanding Article IV, section 408 relating to the adoption of ordinances, the town clerk shall publish a summary of the preliminary unified budget ordinance as recommended by the town council in a newspaper of general circulation at least (14) fourteen days prior to a public hearing as set by the town council. The town clerk shall also ensure that the town council's proposed preliminary unified budget ordinance is posted on the Tiverton municipal website at least (14) fourteen days prior to a public hearing.

9.) Town Council: The town council shall hold a public hearing prior to the adoption of the Unified Budget ordinance. The date, time, and place of the public hearing shall be published by the town clerk in a newspaper of general circulation at least (14) fourteen days prior to the date of the hearing and on the town's website or equivalent platform.

10.) Town Council: After the conclusion of the public hearing as required by section 301(b)(9) above, but in no event later than June 30th of any calendar year, the town council shall adopt a final unified budget ordinance upon one passage.

11.) Town Clerk: The town clerk shall post a copy of the final unified budget ordinance on the municipal website and otherwise make it available for public inspection within (2) business days after first and final passage by the town council.

12.) The unified budget ordinance shall become the final budget of the town unless an elector budget proposal is submitted in accordance with Article III, section 302.

### **Section 302 Elector Budget Referendum Proposals**

Any qualified elector of the Town of Tiverton may submit only (1) one alternative budget proposal to be considered by the voters of the town as follows:

(a) Within ten (10) business days of the town council's passage of the unified budget as set forth in Section 301 (b)(10), any qualified elector may circulate a petition requesting that a budget referendum be held on their alternative budget proposal. The alternative budget proposal may increase or decrease the total town council's approved school department budget, municipal budget, or both. No alternate budget proposal may contain a change in the non-property tax revenue as determined by the town council in their unified budget ordinance.

(b) The town clerk shall provide the petition forms which shall include the petitioner's name and address, language and spaces for the insertion of budget dollar amounts, whether said alternative budget proposal is seeking an increase or decrease of expenditures as those adopted by the town council's unified budget ordinance, and space for an explanation of the petitioner's proposal.

(c) All alternative budget proposal petition forms must be approved by the town clerk prior to circulation by the petitioner. Any language added to an alternative budget petition or any alteration of the contents thereof after approval by the town clerk shall cause such form to be null and void.

(d) Once approved by the town clerk, each petitioner or designee(s) must obtain a combined total number of signatures of not less than (300) three hundred qualified electors of the town of Tiverton. Any person obtaining signatures on an alternative budget proposal petition must be an elector of the Town of Tiverton. The petition(s) with the necessary number of signatures, shall be returned to the Town Clerk no later than ten (10) business days after the town council's passage of the unified budget pursuant to section 301(b)(10).

(e) Upon return of the petition form(s) alternative budget proposal(s) to the town clerk, the town clerk shall cause the signatures to be verified by the board of canvassers. The verification shall be completed not later than (2) business days after the return date as set forth in Section 302(d) of this Article. There shall be no limit to the number of qualified alternative budget proposal petitions that an elector may sign.

(f) All alternative budget proposals must comply with any and all state or local laws or regulations related to property tax caps, maintenance of effort, expenditure limits, debt service, or other collective bargaining or employment contracts.

### **Section 303 Board of Canvassers Certifications**

(a) Any alternative budget proposal(s) that has obtained the necessary number of verified signatures shall be presented within seven (7) business days of the verification to the Tiverton board of canvassers for final certification for a budget referendum.

(b) Upon receipt of the alternative budget proposal petition(s), the board of canvassers shall certify the alternative budget proposal including its compliance with Section 302 (f) of this Article, and that all deadlines as set forth in Section 302 have been met. If the board of canvassers determines that a petition(s) complies with all requirements, they shall certify the petition(s) for consideration at a financial town referendum. Only certified alternative budget proposals shall be forwarded to the town clerk for ballot preparation.

### **Section 304 Budget Referendum Date/Ballot Form**

(a) The town clerk shall cause a referendum by ballot to be held on a Saturday, not less than thirty-five (35) nor more than forty-five (45) days from the final certification by the Tiverton board of canvassers on all certified petitioner alternative budget proposals(s) submitted pursuant to section 302.

(b) The ballot used at such referendum shall be prepared by the town clerk and shall include the following initial question: Shall the original unified budget ordinance as approved by the Town Council be adopted? The ballot shall also include separate question(s) as to whether each petitioner's certified alternative budget proposal shall be adopted and to include each of the separate proposals(s) for increases and/or decreases in the appropriation for a particular budget together with the original approved budget amount.

(c) The Financial Town Referendum ballot shall be certified by the Tiverton board of canvassers.

(d) The qualified electors shall be instructed to vote for only one of the following: the original unified budget ordinance as approved by the town council or one of the alternative budget proposal(s).

(e) The question receiving a majority of votes of those cast in the FTR shall be declared to have been adopted. Should no question receive such a majority, the board of canvassers shall schedule a run-off FTR between the two questions that received the most voters. The run-off shall occur within forty-five (45) days of the board of canvassers certification of the initial FTR.

### **Section 305 Polling Times/Final Certification**

(a) The polls at such referendum shall be open at 7:00 a.m. and shall remain open until 8:00 p.m.

(b) The Tiverton board of canvassers shall have jurisdiction over the Financial Town Referendum (FTR) including the process of early voting, absentee and emergency ballots.

(c) The results of each ballot question shall be certified by the Tiverton board of canvassers no later than (10) ten days after the referendum date.

### **Section 306 Budget Adjustments**

(a) In the event that an increase or a decrease in the school department budget and/or the municipal budget is approved by the electors at an FTR, the town council shall cause the total amount of said budgets to be adjusted accordingly and shall adopt an amended unified budget ordinance at its next regularly scheduled meeting to reflect the budget as approved by the electors.

(b) The Town Council and/or the School Committee, whichever has jurisdiction over the budget affected by such action, shall make reductions or increases within their respective budget to reflect appropriations of the elector approved budget.

### **Section 307 Special Referenda**

Special Referenda shall be called by the Town Clerk upon a resolution of no less than two-thirds of the Town Council or whenever five (5%) percent of the electors of the Town shall make a request in writing for the calling of a Special Referendum and direct the same to the Town Clerk; provided, that said five (5%) percent shall be computed on the total number of electors appearing on the last canvassed voting lists of the Town as having a right to vote in the transaction of any business that may be duly presented at such referendum. The Board of Canvassers shall have jurisdiction over special Referenda including absentee ballots. Special Referenda shall be noticed in accordance with state and local law. The date of such Special Referendum shall not exceed forty-five (45) days following certification of the petition.

#### **(a) Restriction of Special Referenda**

No Special Referendum shall be called without the consent of the Town Council if the subject proposed to be considered has been acted upon by a Financial Town Referendum within six (6) months previous to the time of such proposed call.

#### **(b) Subjects Requiring Special Notice**

No vote shall be taken at a Special Referendum to levy a tax or to dispose of real property of the Town unless special notice thereof has been given in the warrant issued for the warning of such referendum.

### **Sections 308-309 Reserved**

#### **Section 310 Unreserved General Fund**

No moneys shall be taken, withdrawn or obligated from the Unreserved General Fund if such withdrawal would cause said fund to fall below three percent (3%) of the current operating budget. This restriction may be suspended on a case basis by an affirmative vote of four-fifths of the Town Council in order to address a declared state of emergency as enacted by the Town Council.